

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security **3** Assumption of Executory Contract or Unexpired Lease **1** Lien Avoidance

Last Revised September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Case No. 18-20204

Judge JKS

Piao Costa, Zelmir Ines

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: **January 31, 2019**

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: SDP

Initial Debtor: ZIP

Initial Co-Debtor:

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$ **2,054.00** per **month** to the Chapter 13 Trustee, starting on **February 1, 2019** for approximately **53** months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
 Description:
 Proposed date for completion: _____
☐ Refinance of real property
 Description:
 Proposed date for completion: _____
☐ Loan modification with respect to mortgage encumbering property
 Description:
 Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☒ Other information that may be important relating to the payment and length of plan: **Debtor is paying back revised mortgage arrears with interest and making monthly post petition mortgage payments. Debtor shall file an objection to the claim of Assets Recovery Center Investments/Sortis Financial.**

Part 2: Adequate Protection ☒ NONE

- a. Adequate protection payments will be made in the amount of \$ **None** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Newark Dept. Of Finance (K. Reina Tax Lien Certificate Holder)	Taxes	41,000.00 (Interest already calculated into amount)

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be
----------	------------------	--------------	--------------

Certificate of Notice Page 3 of 9

						Paid		
None								

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: [] NONE
The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Assets Recovery Center Investments, LLC	428 South 9th Street	51,000.00	8.37%	65,158.25	3,200.00

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: [X] NONE
The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

c. Secured claims excluded from 11 U.S.C. 506: [X] NONE
The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
None				

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments [X] NONE
1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in	Annual Interest Rate	Total Amount to be Paid
----------	------------	----------------	------------------------	----------------	-------------------------------	----------------------	-------------------------

Certificate of Notice Page 4 of 9

					Collateral		
Rushmore Loan Management	428 South 9th Street, Newark, NJ	\$89,200.00	\$135,000.00	\$359,442.12	NO Value	9%	Pro Rata As Unsecured Claim

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender [X] NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
None			

f. Secured Claims Unaffected by the Plan [X] NONE

The following secured claims are unaffected by the Plan:

None

g. Secured Claims to Be Paid in Full Through the Plan [X] NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims [] NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*

Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases [] NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
Jestina Moore & Vaney Moore	0.00	Tenant of Debtor	Assume	0.00
Jhonathan Ozuna &	0.00	Tenant of the Debtor		0.00

Certificate of Notice Page 5 of 9

Genesis Taveras			Assume	
Samantha Jones	0.00	Tenants of the Debtor	Assume	0.00

Part 7: Motions [] NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). [] NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured. [] NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Total Amount of Lien to be Reclassified
Rushmore Loan Management Services	428 South 9th Street, Newark, NJ 07103	\$89,200.00	\$135,000	\$359,442.12	NO VALUE	\$89,200.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None					

Part 8: Other Plan Provisions**a. Vesting of Property of the Estate**

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Priority Claims**
- 4) **Lease Arrearages**
- 5) **Secured Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 1/31/19

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
As per Order denying Confirmation	Change in mortgage arrears calculations. Change in value of collateral on Strip Off

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☐ NONE

☒ Explain here: Debtor is seeking to Strip Off 2nd Mortgage Lien based on it being completely unsecured based on updated home appraisal.

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: January 31, 2019

/s/ Zelmira Ines Piao Costa

Debtor

Date: January 31, 2019

Joint Debtor

Date: **January 31, 2019**

/s/ Steven D. Pertuz

Attorney for the Debtor(s)

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Zelmir Ines Piao Costa
 Debtor

Case No. 18-20204-JKS
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 34

Date Rcvd: Feb 01, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 03, 2019.

db	+Zelmir Ines Piao Costa, 428 South 9th Street, Newark, NJ 07103-2042
cr	+City of Newark, c/o Law Department, 920 Broad Street, Room 316, Newark, NJ 07102, US 07102-2609
517542185	+Allied Interstate, P.O. Box 361535, Columbus, OH 43236-1535
517542186	+Apothaker & Assoc., P.C., 520 Fellowship Road, Mount Laurel, NJ 08054-3410
517542187	+Arrow Financial Services, 5966 W. Touhy Ave., Niles, IL 60714
517542188	+Assets Recovery Center Investments, LLC, P.O. Box 864446, Orlando, FL 32886-4446
517542191	+CBCS, P.O. Box 163250, Columbus, OH 43216-3250
517542190	+Capital One Bank, PO Box 21887, Eagan, MN 55121-0887
517682053	+City of Newark, Department of Water & Sewer Utilities, c/o Law Department, 920 Broad Street, Room 316, Newark, NJ 07102-2609
517542192	+Clear Spring Loan Services, 18451 Dallas Pkwy Ste 100, Dallas, TX 75287-5209
517542194	+ER Solutions, P.O. Box 9004, Renton, WA 98057-9004
517664897	+Greenpoint Mortgage Funding, Inc., c/o Rushmore Loan Management Services, PO Box 52708, Irvine, CA 92619-2708
517542196	+HSBC Bank, P.O. Box 98706, Las Vegas, NV 89193-8706
517542197	+KCA Financial Services, P.O. Box 53, Geneva, IL 60134-0053
517542199	+Midland Funding LLC, 7 Entin Road C/O Pressler & Pressler, Parsippany, NJ 07054-5020
517542200	+Newark Dept. Of Finance, 920 Broad St Ste 104, Newark, NJ 07102-2609
517542201	+P. Scott Lowery, P.C., 4500 Cherry Creek Drive South, Suite 700, Denver, CO 80246-1534
517670765	+Palm Avenue Hialeah Trust, a Delaware Statutory Tr, Sortis Financial, Inc., 18415 North Dallas Parkway, Suite 1000, Dallas, TX 75287
517542203	+RJM Acquisitions, LLC, P.O. Box 18006, Hauppauge, NY 11788
517542202	+Revenue Recovery Corp., 612 Gay Street, Knoxville, TN 37902-1603
517542204	+Rushmore Loan Management Services, PO Box 52708, Irvine, CA 92619-2708
517542205	+Saint James Hospital, P.O. Box 15092, Newark, NJ 07192-5092
517542206	+Solomon & Solomon, P.O. Box 15019, Albany, NY 12212-5019
517542207	+Sunrise Credit Services, P.O. Box 9100, Farmingdale, NY 11735-9100

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg	E-mail/Text: usanj.njbankr@usdoj.gov Feb 02 2019 01:50:57 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Feb 02 2019 01:50:53 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
517542189	+E-mail/PDF: resurgentbknofications@resurgent.com Feb 02 2019 01:55:22 CACH, LLC, 370 17th Street, Suite 5000, Denver, CO 80202-5616
517542193	+E-mail/Text: bankruptcynotices@dcicollect.com Feb 02 2019 01:52:06 Diversified Consultants, P.O. Box 551268, Jacksonville, FL 32255-1268
517542195	+E-mail/Text: fggbanko@fgny.com Feb 02 2019 01:50:02 Foster Garbus & Garbus, 7 Banta Place, Hackensack, NJ 07601-5604
517542198	+E-mail/PDF: resurgentbknofications@resurgent.com Feb 02 2019 01:55:42 LVNV Funding, P.O. Box 10497, Greenville, SC 29603-0497
517774639	E-mail/Text: bkdepartment@rtresolutions.com Feb 02 2019 01:51:19 Real Time Resolutions, Inc., 1349 Empire Central Drive, Suite #150, Dallas, Texas 75247-4029
517774640	E-mail/Text: bkdepartment@rtresolutions.com Feb 02 2019 01:51:19 Real Time Resolutions, Inc., 1349 Empire Central Drive, Suite #150, Dallas, Texas 75247-4029, Real Time Resolutions, Inc., 1349 Empire Central Drive, Suite #150, Dallas, Texas 75247-4029
517566626	+E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Feb 02 2019 01:55:44 T Mobile/T-Mobile USA Inc, by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
517542209	+E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Feb 02 2019 01:49:49 Verizon, P.O. Box 4830, Trenton, NJ 08650-4830

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517542208 ##+Tate & Kirilin Assoc., 2810 Southampton Road, Philadelphia, PA 19154-1207

TOTALS: 0, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 34

Date Rcvd: Feb 01, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 03, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 1, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Palm Avenue Hialeah Trust, a Delaware Statutory Trust,
for and on behalf and solely with respect to Palm Avenue Hialeah Trust, Series 2014-1
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Emmanuel J. Argentieri on behalf of Creditor GreenPoint Mortgage Funding, Inc. bk@rgalegal.com
Guenther Waldow, Jr. on behalf of Creditor City of Newark waldowg@ci.newark.nj.us
Marie-Ann Greenberg magecf@magtrustee.com
Rebecca Ann Solarz on behalf of Creditor Palm Avenue Hialeah Trust, a Delaware Statutory
Trust, for and on behalf and solely with respect to Palm Avenue Hialeah Trust, Series 2014-1
rsolarz@kmlawgroup.com
Steven D. Pertuz on behalf of Debtor Zelmir Ines Piao Costa pertuzlaw@verizon.net,
G16461@notify.cincompass.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7